

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19471 of 2020

Arising Out of PS. Case No.-118 Year-2020 Thana- BUXAR District- Buxar

=====

Gautam Kumar Son of Ramchandra @ Ram Chandra Prasad @ Ramchandra Prasad Gupta Resident of Mohalla - P. P. Road, Buxar, P.S.- Buxar Town, District - Buxar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Nil Kamal, Advocate

For the Opposite Party/s : Mr. Pratik Kumar Sinha, APP

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-06-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioner and learned APP for the State.

The present application has been preferred on behalf of the petitioner for grant of bail in connection with a case registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016, as amended by Act 8 of 2018.

The prosecution case, as per the written report of A.S.I., Arun Kumar, Buxar Town P.S. submitted to the Station House Officer, Buxar Town P.S, is to the effect that on 06.03.2020 during night patrolling, a confidential information



was received that on the embankment of the river, two persons are carrying liquor, consequently, a raid was laid and on seeing the police party, they started fleeing away but on chase, they were apprehended and they disclosed their name as co-accused Faiyaz Khan and Gautam Kumar, the petitioner and total 85.32 litres of Indian Made Foreign Liquor were recovered which were kept in a cartoon. Subsequently, on the basis of a confidential information total 42.12 litres of Indian Made Foreign Liquor were also recovered from the cattle shed of co-accused Rajesh Yadav.

It is submitted by learned counsel for the petitioner that the recovery has not been made from conscious physical possession of the petitioner rather the same has been recovered from an open area. The petitioner is languishing in custody since 08.03.2020 and investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the recovery has been made from the petitioner and others.

Considering the fact that the investigation has already been concluded and statement being made in paragraph no.3 of the petition that the petitioner is not having any criminal



antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Additional District & Sessions Judge-II -cum- Special Judge (Excise), Buxar in connection with Buxar Town P.S. Case No. 118 of 2020.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-II -cum- Special Judge (Excise), Buxar in connection with Buxar Town P.S. Case No. 118 of 2020.

The provisional bail of the petitioner will be



confirmed after a certificate on affidavit being filed on behalf of the petitioner before the learned Court below to the effect that all the defect/s, as pointed out by the Stamp Reporter, have been removed.

The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

